



IFW
PATENT

Case Docket No. ENDIUS.26CPCP2
Date: August 10, 2004

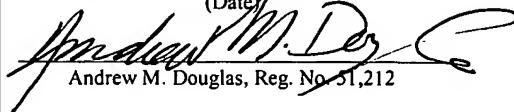
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alan Shluzas et al.
Appl. No. : 10/658,736
Filed : September 9, 2003
For : METHODS AND APPARATUSES FOR TREATING THE SPINE THROUGH AN ACCESS DEVICE
Examiner : Unknown
Group Art Unit : 3732

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 17, 2004

(Date)



Andrew M. Douglas, Reg. No. 51,212

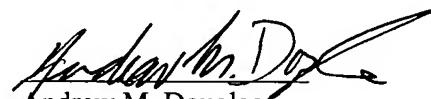
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement.
- (X) A PTO Form 1449 listing one hundred eighty three (183) references.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.



Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404

**INFORMATION DISCLOSURE STATEMENT**

Applicant : Shluzas, et al.
App. No. : 10/658,736
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Examiner : Unknown
Group Art Unit : 3732

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing 183 references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 17, 2004

By:


Andrew M. Douglas
Registration No. 51,212
Attorney of Record
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. ENDIUS.26CPCP2	APPLICATION NO. 10/658,736
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
JC156 AUG 20 2004 USE SEVERAL SHEETS IF NECESSARY			
APPLICANT Shiluzas, et al.		FILING DATE September 9, 2003	
		GROUP 3732	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
1	3,044,461	07/17/62	Murdock			
2	3,789,852	02/05/74	Kim et al.			
3	4,013,078	03/22/77	Feild			
4	4,451,256	05/29/84	Wiekl et al.			
5	4,513,754	04/30/85	Lee			
6	4,545,374	10/08/85	Jacobson			
7	4,601,713	07/22/86	Fuqua			
8	4,716,901	01/05/88	Jackson et al.			
9	4,819,620	04/11/89	Okutsu			
10	4,863,133	09/05/89	Bonnell			
11	4,899,729	02/13/90	Gill et al.			
12	4,921,478	05/01/90	Solano et al.			
13	4,984,564	01/15/91	Yuen			
14	5,025,778	06/25/91	Silverstein et al.			
15	5,131,382	07/21/92	Meyer			
16	5,133,717	07/28/92	Chopin			
17	5,139,499	08/18/92	Small et al.			
18	5,163,949	11/17/92	Bonutti			
19	5,171,279	12/15/92	Mathews			
20	5,190,561	03/02/93	Graber			
21	5,195,541	03/23/93	Obenchain			
22	5,197,971	03/30/93	Bonutti			
23	5,224,680	07/06/93	Greenstein et al.			
24	5,287,845	02/22/94	Faul et al.			
25	5,295,994	03/22/94	Bonutti			
26	5,312,417	05/17/94	Wilk			
27	5,330,473	07/19/94	Howland			
28	5,354,302	10/11/94	Ko			

EXAMINER	DATE CONSIDERED
*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

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29	5,370,647	12/06/94	Graber et al.			
30	5,385,583	01/31/95	Cotrel			
31	5,395,317	03/07/95	Kambin			
32	5,437,671	08/01/95	Lozier et al.			
33	5,437,672	08/01/95	Alleyne			
34	5,439,464	08/08/95	Shapiro			
35	5,443,467	08/22/95	Biedermann et al.			
36	5,454,365	10/03/95	Bonutti			
37	5,470,333	11/28/95	Ray			
38	5,472,426	12/05/95	Bonati et al.			
39	5,484,437	01/16/96	Michelson			
40	5,487,744	01/30/96	Howland			
41	5,489,307	02/06/96	Kuslich et al.			
42	5,520,607	05/28/96	Frassica et al.			
43	5,549,608	08/27/96	Errico et al.			
44	5,554,157	09/10/96	Errico et al.			
45	5,571,072	11/05/96	Kronner			
46	5,575,754	11/19/96	Konomura			
47	5,586,984	12/24/96	Errico et al.			
48	5,601,554	02/11/97	Howland et al.			
49	5,601,690	02/11/97	Gauld et al.			
50	5,613,968	03/25/97	Lin			
51	5,624,442	04/29/97	Mellinger et al.			
52	5,667,520	09/16/97	Bonutti			
53	5,672,176	09/30/97	Biedermann et al.			
54	5,681,319	10/28/97	Biedermann et al.			
55	5,707,359	01/13/98	Bufalini			
56	5,716,356	02/10/98	Biedermann et al.			

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57	5,725,588	03/10/98	Errico et al.			
58	5,782,833	07/21/98	Haider			
59	5,792,044	08/11/98	Foley et al.			
60	5,795,289	08/18/98	Wytttenbach			
61	5,797,911	08/25/98	Sherman et al.			
62	5,810,818	09/22/98	Errico et al.			
63	5,827,319	10/27/98	Carlson et al.			
64	5,863,293	01/26/99	Richelsoph			
65	5,868,745	02/09/99	Alleyne			
66	5,873,878	02/23/99	Harms et al.			
67	5,876,402	03/02/99	Errico et al.			
68	5,879,389	03/09/99	Koshino			
69	5,882,350	03/16/99	Ralph et al.			
70	5,885,286	03/23/99	Sherman et al.			
71	5,902,231	05/11/99	Foley et al.			
72	5,910,142	06/08/99	Tatar			
73	5,928,232	07/27/99	Howland et al.			
74	5,928,233	07/27/99	Apfelbaum et al.			
75	5,954,635	09/21/99	Foley et al.			
76	5,954,725	09/21/99	Sherman et al.			
77	5,961,499	10/05/99	Bonutti et al.			
78	5,961,517	10/05/99	Biedermann et al.			
79	5,964,760	10/12/99	Richelsoph			
80	5,984,928	11/16/99	Hermann			
81	5,997,508	12/07/99	Lunn et al.			
82	6,010,503	01/04/00	Richelsoph et al.			
83	6,050,997	04/18/00	Mullane			
84	6,053,917	04/25/00	Sherman et al.			

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85	6,063,090	05/16/00	Schläpfer			
86	6,074,391	06/13/00	Metz-Stavenhagen et al.			
87	6,077,262	06/20/00	Schläpfer et al			
88	6,086,588	07/11/00	Ameil et al.			
89	6,090,111	07/18/00	Nichols			
90	6,110,173	08/29/00	Thomas, Jr.			
91	6,113,601	09/05/00	Tatar			
92	6,120,437	09/19/00	Yoon et al.			
93	6,132,432	10/17/00	Richelsoph			
94	6,139,550	10/31/00	Michelson			
95	6,162,236	12/19/00	Osada			
96	6,171,299 B1	01/09/01	Bonutti			
97	6,183,473 B1	02/06/01	Ashman			
98	6,187,000 B1	02/13/01	Davison et al.			
99	6,248,105 B1	06/19/01	Schläpfer et al.			
100	6,267,765 B1	07/31/01	Taylor et al.			
101	6,280,442 B1	08/28/01	Barker et al.			
102	6,296,642 B1	10/02/01	Morrison et al.			
103	6,306,137 B2	10/23/01	Troxell			
104	6,306,170 B2	10/23/01	Ray			
105	6,309,391 B1	10/30/01	Crandall et al.			
106	6,312,443 B1	11/06/01	Stone			
107	6,338,730 B1	01/15/02	Bonutti et al.			
108	6,355,038 B1	02/12/02	Pisharodi			
109	6,355,040 B1	03/12/02	Richelsoph et al.			
110	6,358,226 B1	03/19/02	Ryan			
111	6,361,488 B1	03/26/02	Davison et al.			
112	6,368,321 B1	04/09/02	Jackson			

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113	6,371,968 B1	04/16/02	Kogasaka et al.			
114	6,383,195 B1	05/07/02	Richard			
115	6,440,133 B1	08/27/02	Beale et al.			
116	6,440,137 B1	08/27/02	Horvath et al.			
117	6,471,703 B1	10/29/02	Ashman			
118	6,478,797 B1	11/12/02	Paul			
119	6,482,207 B1	11/19/02	Errico			
120	6,485,491 B1	11/26/02	Farris et al.			
121	6,485,494 B1	11/26/02	Haider			
122	6,494,893 B2	12/17/02	Dubrul et al.			
123	6,497,654 B1	12/24/02	Leonard et al.			
124	6,503,249 B1	01/27/03	Krause			
125	6,524,320 B2	02/25/03	DiPoto			
126	6,530,880 B2	03/11/03	Pagliuca			
127	6,530,926 B1	03/11/03	Davison			
128	6,540,748 B2	04/01/03	Lombardo			
129	6,564,078 B1	05/13/02	Marino et al.			
130	2001/0001119 A1	05/10/01	Lombardo			
131	2001/0011170 A1	08/02/01	Davison et al.			
132	2001/0049498 A1	12/06/01	Davison et al.			
133	2002/0002360 A1	01/03/02	Orth et al.			
134	2002/0010467 A1	01/24/02	Cooper et al.			
135	2002/0026193 A1	02/28/02	Barker et al.			
136	2002/049446 A1	04/25/02	Harkey, III et al.			
137	2002/0161368 A1	10/31/02	Foley et al.			
138	2002/0165612 A1	11/07/02	Gerber et al.			
139	2003/0009130 A1	01/09/03	Stecker et al.			
140	2003/0014068 A1	01/16/03	Bonutti et al.			

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	141	2003/0040656 A1	02/27/03	Pagliuca et al.			
	142	2003/0073998 A1	04/17/03	Pagliuca et al.			
	143	2003/0139648 A1	07/24/03	Foley et al.			
	144	2003/0153927 A1	08/14/03	DiPoto et al.			
	145	2003/0191371 A1	10/09/03	Smith et al.			
	146	2003/0195405 A1	10/16/03	Marino et al.			
	147	2003/0195493 A1	10/16/03	Davison et al.			
	148	2003/0195549 A1	10/16/03	Davison et al.			
	149	2003/0195550 A1	10/16/03	Davison et al.			
	150	2003/0195551 A1	10/16/03	Davison et al.			
	151	2003/0199871 A1	10/23/03	Foley et al.			
	152	2003/0199885 A1	10/23/03	Davison et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	153	EP 0 528 562 A2	02/24/93	European Patent Office				
	154	EP 0 682 918 A1	11/22/95	European Patent Office				
	155	EP 0 807 415 A3	08/12/98	European Patent Office				
	156	EP 0 980 677 A1	02/23/00	European Patent Office				
	157	EP 1 090 595 A2	04/11/01	European Patent Office				
	158	EP 1 251 767 A2	10/30/02	European Patent Office				
	159	EP 1 305 077 A1	05/02/03	European Patent Office				
	160	JP 2000-83960 A2	03/28/00	Japanese Patent Office				X
	161	JP 2001-149376 A2	06/05/01	Japanese Patent Office				X
	162	WO 92/21292 A2	02/18/93	Patent Cooperation Treaty				
	163	WO 93/14801 A1	08/05/93	Patent Cooperation Treaty				

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							YES	NO
164		WO 94/03114 A1	02/17/94	Patent Cooperation Treaty				
165		WO 95/10218 A1	04/20/95	Patent Cooperation Treaty				
166		WO 95/32663 A1	12/07/95	Patent Cooperation Treaty				
167		WO 98/27884 A1	07/02/98	Patent Cooperation Treaty				
168		WO 01/54560 A2	08/02/01	Patent Cooperation Treaty				
169		WO 01/54560 A3	08/02/01	Patent Cooperation Treaty				
170		WO 02/09801 A1	02/07/02	Patent Cooperation Treaty				
171		WO 02/22030 A2	03/21/02	Patent Cooperation Treaty				
172		WO 02/078767 A2	10/10/02	Patent Cooperation Treaty				
173		WO 03/07783 A2	01/30/03	Patent Cooperation Treaty				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
174	01/09/03 fax from Gene DiPoto to W. Egbert enclosing Click'x Technique Guide 2000; Synthes Spine 2000 Price List, Jan. 2000; and Click'x Technique Guide 2001.	
175	10/02/01 fax from Gene DiPoto to Lisa Kole enclosing Medtronic Sofamar Danek Sextant Article and Endius Market Assessment.	
176	Undated package from Gene DiPoto enclosing Click'x Top Loading System Technique Guide (undated); Stryker Opus Parts List (undated); Interpore Cross Synergy Spinal System Parts List (undated); Blackstone Medical System Components Brochure (undated); Medtronic Sofamar Danek M8 Brochure, 2000; Xia Spinal System Stryker Howmedica Brochure (undated); DePuy Acromed VSP Bone Plates and Bone Screws Brochure (undated); and Silhouette Spinal System Sulzer Spine-Tech Brochure (undated).	
177	Undated package from Gene DiPoto enclosing Endius Atavi Marketing Bulletin, April 2002; and B. Guiot et al., "A Minimally Invasive Technique for Decompression of the Lumbar Spine," <i>SPINE</i> , Vol. 27, No. 4, pp. 432-438, Feb. 2000.	
178	Endius Summary of MILIF Advisors Meeting, February 10, 2002, Dallas, TX.	
179	03/22/02 letter from Gene DiPoto to W. Egbert enclosing Endius Marketing Analysis of Sextant System; K. Foley et al., "Percutaneous Pedicle Screw Fixation of the Lumbar Spine," <i>Neurosurg Focus</i> 10(4), Article 10, April 2001; Endius Marketing Bulletin, March 2002; B Guiot et al., "A Minimally Invasive Technique for Decompression of the Lumbar Spine," <i>SPINE</i> , Vol. 27, No. 4, pp. 432-438, Feb. 2000; and Medtronic METRx Micro Disectomy System Brochure, 2000.	
180	G. LaRosa et al., "Posterior Fusion Compared with Posterior Interbody Fusion in Segmental Spinal Fixation for Adult Spondylolisthesis," <i>Neurosurg Focus</i> 10(4), Article 7, April 2001.	
181	Synthes Stratec Annual Report 1999.	

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	182	Synthes Stratec Report on the Financial Year 1999.
	183	"Minimal Access Spinal Technologies," <i>Orthopedics Today</i> , August 2002.

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